



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JAMES M. LIPTON ET AL.  
APPLICATION No.: 09/774,282  
FILED: JANUARY 29, 2001  
FOR: **A COMPOUND AND METHOD OF TREATMENT FOR  
FUNGAL PATHOLOGIES OF THE ORAL CAVITY**

EXAMINER: ROBERT LANDSMEN  
ART UNIT: 1647  
CONF. No.: 2528

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

Certificate of Mailing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/22/03  
Date of Deposit

*Rena lov*  
Rena lov

- ☐ Copies of the following references can be found in parent U.S. Application No. :
  - ☐ All cited references
  - ☐ References marked by asterisks
  - ☐ The following:
- ☐ The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
  - ☐ All cited references
  - ☐ References marked by ampersands
  - ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due. However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2586.

5. Patent Term Adjustment (37 CFR 1.704(d))

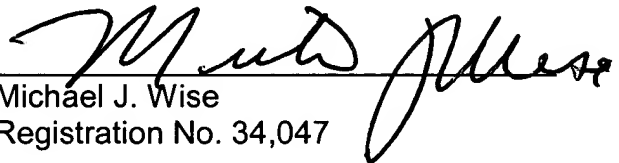
- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by

any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. §1.704(d).

Respectfully submitted,

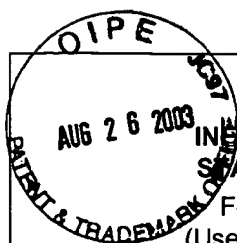
Perkins Coie LLP

Date: 8/22/03

  
Michael J. Wise  
Registration No. 34,047

**Correspondence Address:**

Customer No. 34055  
Perkins Coie LLP  
P.O. Box 1208  
Seattle, WA 98111-1208  
Phone: (310) 788-9900  
Fax: (310) 788-3399



# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

Form PTO-1449 (Modified)  
(Use several sheets if necessary)

## **COMPLETE IF KNOWN**

Application Number	09/774,282
Confirmation Number	2528
Filing Date	January 29, 2001
First Named Inventor	James M. Lipton
Group Art Unit	1647
Examiner Name	Robert Landsmen
Attorney Docket No.	54275.8010.US00

Sheet 1 of 1

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

## **OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		International Search Report for PCT International Application No. PCT/US02/03039, dated February 21, 2003, 1 page.	
		CSATO, M. et al., "Enhancement of Candida albicans killing of separated human epidermal cells by alpha-melanocyte stimulating hormone." Br. J. Dermatol. 1989, Vol 121. No. 1, pages 145-147, see entire document.	
		CHOW, C.K.W. et al., "Efficacy of antifungal agents in tissue conditioners in treating candidiasis." Gerodontology. 1999, Vol. 16, No. 2, pages 110-118, see entire document.	
		CUTULI, M. et al., "Antimicrobial effects of alpha-MSH peptides." J. Leukoeyte Biology 2000, Vol. 67, No. 2 pages 233-239.	
		MARCHETTI, O. et al., "Potent synergism of the combination of fluconazole and cyclosporin in Candida albicans." Antimicrobial Agents and Chemotherapy. September 2000, Vol. 44, No. 9, pages 2373-2381.	
		ODDS, F.C. et al., "Improved method for estimation of azole antifungal inhibitory concentrations against Candida species, based on azole/antibiotic interactions." J. Med. Vet. Mycol. 1986, Vol. 24, pages 305-311.	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).